

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:11-CR-0326-SCJ
BRIAN SHELBY ANTHONY,	:	
AQEEL MUHSIN RASHEED,	:	
KEITHAN HENRI JAMES,	:	
ROBERT LEE SWAIN, JR.	:	
RAYFIELD LEWIS, II, and	:	
JARETT JOMOND BROWN,	:	
	:	
Defendants.	:	

**ORDER**

This matter appears before the Court for consideration of the magistrate judge's January 20, 2012 Report and Recommendation ("R&R") [Doc. No. 118], in which The Honorable Janet F. King, Chief United States Magistrate Judge, recommended that Defendant Jarett Brown's Motion to Suppress Statements [Doc No. 93] and Motion to Sever Counts, as amended [Doc. No. 92 and 99] be denied – and also recognizing that ruling on certain motions had been deferred to the district court. To date, no objections have been filed to the Report and Recommendation.

After reviewing the Report and Recommendation, it is received with approval and **ADOPTED** as the Opinion and Order of this Court. Accordingly, Defendant Brown's Motion to Suppress Statements [Doc. No. 93] is hereby **DENIED**.

Defendant Brown's Motion to Sever Counts, as amended [Doc. No. 92 and 99] is hereby **DENIED**.

Also in the Report and Recommendation, the Magistrate indicated that she had previously deferred ruling co-Defendant Brian Anthony's Motion to Allow Participation in Voir Dire [Doc. No. 89] to the district court. The Court notes that Mr. Anthony entered a guilty plea in this case on January 20, 2012. Accordingly, the Court deems Defendant Brian Anthony's Motion to Allow Participation in Voir Dire [Doc. No. 89] to now be **MOOT**.

The magistrate also deferred the following additional motions to the district court: the Jackson-Denno motions of co-defendants Aqeel Rasheed, Robert Swain, Jr., and Rayfield Lewis, II [Doc. Nos. 91, 94, and 97] and the motion of Aqeel Rasheed to allow participation in voir dire [Doc. No. 95]. The Court will schedule a motions hearing (at a later date) to address the Jackson-Denno motions raised by Defendants Rasheed, Swain, and Lewis. [Doc. No. 91, 94, and 97] The Court hereby **GRANTS** Defendant Rasheed's motion [Doc. No. 95] to allow participation in voir dire. The Court will allow each defense attorney to participate in the voir dire process. Additional instructions concerning the Court's voir dire process will be issued at a later date.

Also in the R&R, the magistrate certified this case for trial. The Court will issue pretrial conference and trial notices by separate order.

## CONCLUSION

The R&R [Doc. No. 118] is hereby **ADOPTED** as the Opinion and Order of this Court.

Defendant Brown's Motion to Suppress Statements [Doc. No. 93] is hereby **DENIED**. Defendant Brown's Motion to Sever Counts, as amended [Doc. No. 92 and 99] is hereby **DENIED**.

Defendant Brian Anthony's Motion to Allow Participation in Voir Dire [Doc. No. 89] is deemed **MOOT**.

Defendant Rasheed's Motion to Allow Participation in Voir Dire [Doc. No. 95] is hereby **GRANTED**. All defense counsel will be allowed to participate in voir dire.

A Jackson-Denno hearing will be scheduled at a later date to consider the motions to suppress statements filed at Doc. Nos. 91, 94, and 97.

The Court will issue pretrial conference and trial notices by separate order.

IT IS SO ORDERED, this 2<sup>nd</sup> day of March, 2012.

s/Steve C. Jones  
HONORABLE STEVE C. JONES  
UNITED STATES DISTRICT JUDGE